

RESPONSE

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Serial No.: 09/629,782

Filing Date: July 31, 2000

Attorney Docket No. 100.091US01

Title: ASYMMETRICAL TRANSPORT OF DATA

REMARKS

Applicant has reviewed the Office Action mailed on March 08, 2005, as well as the art cited. Claims 1-24 are pending in this application.

Rejections Under 35 U.S.C. § 102

Claims 1, 4-10, 13-18, 20-22 and 24 were rejected under 35 USC § 102(b) as being anticipated by Roberts et al. (WO 96/10303) based on the publication date. Applicant respectfully traverses this rejection.

Roberts et al. (WO 96/10303) is not a proper basis for rejection under 35 USC § 102(b). The current application was previously amended to claim priority to US Application Ser. No. 08/650,408, a common priority application with Dapper. (See previous Amendment and Response dated March 24, 2004). The invention claimed in the current application is fully disclosed in US Application Ser. No. 08/650,408 at p. 115, line 15 – p. 116, line 20 and Figures 112 and 113. This same text and figures are carried through the intermediate applications. Further, the inventor of the current application, Heng Lou, was a named inventor in the original '408 Application. Therefore, the claims of the current application are entitled to the benefit of the May 20, 1996 filing date of the '408 Patent. Examiner's cited reference, Roberts et al. (WO 96/10303), published April 4, 1996, *less than one year prior to the date of application* for the '408 Patent and therefore is not valid prior art against the claims of the current application based on 35 USC § 102(b). Respectfully, for these reasons, Roberts et al. (WO 96/10303) is not a proper reference for a rejection under 35 USC § 102(b). Applicant respectfully requests the Examiner to withdraw the rejection.

Because the Applicant believes claims 1, 4-10, 13-18, 20-22 and 24 are allowable for the above reasons, Applicant may not have put forth responses to additional rejections to said claims at this time. However, the Applicant reserves the right to address said additional rejections to said claims if a further response is required.

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Rejections Under 35 U.S.C. § 103

In paragraph 4 of the Office Action, the Examiner indicated that claims 2, 11, 19, and 23 were rejected under 35 USC § 103(a) as being unpatentable over Roberts et al. in view of Doshi et al. (U.S. Patent No. 6,055,424). Applicant respectfully traverses this rejection.

Respectfully, Roberts et al. (WO 96/10303) is not a proper reference for rejection under 35 USC § 103(a) because Roberts et al. (WO 96/10303), is not a proper reference of prior art under 35 USC § 102(b) and accordingly not available as a proper reference of prior art under 35 USC § 103(a). Applicant respectfully asserts that the limitations of these claims are also found in Dapper. See, US Application Ser. No. 08/650,408 at p. 115, line 15 – p. 116, line 20 and Figures 112 and 113. Thus, these claims are entitled to the May 20, 1996 filing date and Roberts et al. (WO 96/10303) is not prior art.

In paragraph 5 of the Office Action, the Examiner indicated that claims 3, and 12 were rejected under 35 USC § 103(a) as being unpatentable over Roberts et al. in view of Humpleman (U.S. Patent No 6,005,861). Applicant respectfully traverses this rejection.

Respectfully, Roberts et al. (WO 96/10303) is not a proper reference for rejection under 35 USC § 103(a) because Roberts et al. (WO 96/10303) is not a proper reference of prior art under 35 USC § 102(b) and accordingly not available as a proper reference of prior art under 35 USC § 103(a). Applicant respectfully asserts that the limitations of these claims are also found in Dapper. See, US Application Ser. No. 08/650,408 at p. 115, line 15 – p. 116, line 20 and Figures 112 and 113. Thus, these claims are entitled to the May 20, 1996 filing date and Roberts et al. (WO 96/10303) is not prior art.

Because the Applicant believes claims 2, 3, 11, 12, 19, and 23 are allowable for the above reasons, Applicant may not have put forth responses to additional rejections to said claims at this time. However, the Applicant reserves the right to address said additional rejections to said claims if a further response is required.

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CONCLUSION

Applicant respectfully submits that claims 1-24 are in condition for allowance and notification to that effect is earnestly requested. If necessary, please charge any additional fees or credit overpayments to Deposit Account No. 502432.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at (612) 455-1680.

Respectfully submitted,

Date: May 11, 2005

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